

A-1701

Removal of one 11.5-inch Kousa Dogwood
tree located in the front yard of the property.

Mr. and Mrs. Christopher A. Marvin
9 Hesketh Street

9 Hesketh Street



**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 12th day of January, 2009 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-1701
MR. AND MRS. CHRISTOPHER A. MARVIN
9 HESKETH STREET
CHEVY CHASE, MARYLAND 20815**

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove one 11.5-inch diameter Kousa Dogwood tree located in the front yard of the property.

The Chevy Chase Village Code § 17-4 (b) states:

The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.ccvillage.org or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 31st day of December 2008.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-1701

MR. AND MRS. CHRISTOPHER A. MARVIN
9 HESKETH STREET
CHEVY CHASE, MARYLAND 20815

Adjoining and confronting property owners	
Mr. and Mrs. D. Blake B. Bath Or Current Resident 7 Hesketh Street Chevy Chase, MD 20815	Mr. David J. Cushing Ms. Julie Chapman Or Current Resident 14 Hesketh Street Chevy Chase, MD 20815
Mr. and Mrs. Christopher S. Abell Or Current Resident 8 Magnolia Parkway Chevy Chase, MD 20815	Mr. and Mrs. Richard Fishman Ms. Dina R. Lassow Or Current Resident 16 Hesketh Street Chevy Chase, MD 20815
Mr. and Mrs. Carl A. Ruppert Or Current Resident 11 Hesketh Street Chevy Chase, MD 20815	Ms. Marea Hatziolos Or Current Resident 16 West Irving Street Chevy Chase, MD 20815
Mr. Robert Windham Or Current Resident 12 Hesketh Street Chevy Chase, MD 20815	Mr. James A. Meisel Ms. Julia A. Dahlberg Or Current Resident 18 West Irving Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 31st day of December, 2008.



Doris M. Lyerly
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

GEOFFREY B. BIDDLE
Village Manager
DAVID R. PODOLSKY
Legal Counsel

CHEVY CHASE VILLAGE
5906 CONNECTICUT AVENUE
CHEVY CHASE, MD 20815
Telephone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov

BOARD OF MANAGERS
DOUGLAS B. KAMEROW
Chair
DAVID L. WINSTEAD
Vice Chair
SUSIE EIG
Secretary
GAIL S. FELDMAN
Treasurer
BETSY STEPHENS
Assistant Treasurer
PETER M. YEO
Board Member
ROBERT L. JONES
Board Member

December 31, 2008

Mr. and Mrs. Christopher A. Marvin
9 Hesketh Street
Chevy Chase, MD 20815

Dear Mr. and Mrs. Marvin:

Please note that your appeal to remove a Kousa Dogwood tree located in the front yard of your property is scheduled before the Board of Managers on Monday, January 12, 2009 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notices and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Doris M. Lyerly
Permitting and Code Enforcement Specialist
Chevy Chase Village

Enclosures

12/23/08

Chevy Chase Village Tree Removal Permit Application

Permit Number

A-1701

Date of Application:

10/30/08

Applicant Name: Allison + Chris Mann	
Address: 9 Hesketh Street	Phone: (301) 654-2027
Contractor (Required): Phillips Landscapes	Phone: (301) 368-3636
Contact Person: Scott Saylor	MD DNR License No. (Required)

Chapter 17. Urban Forest §17-1 and 17-2. Permit Required

Chapter 17 applies to trees on private property with trunks that measure at least twenty-four (24) inches in circumference at four and one-half (4 ½) feet above ground level. § 17-2 reads: "no person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

§17-3 Permit Standards

The Village Manager is authorized to issue a permit only if at least one (1) of the following conditions applies:

- ☐ The tree is damaged beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- ☐ The tree is dead or dying or in danger of falling;
- ☐ The tree constitutes a hazard to the safety of persons;
- ☐ The tree constitutes a hazard and threatens the safety of property;
- ☐ The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- ☐ The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

An applicant who is denied a tree removal permit by the Village Manager may appeal the Manager's decision to the Board in writing within ten (10) days of the denial for the application of the permit.

Filing Requirements

- ☐ There is a \$50.00 per tree filing fee for a Chevy Chase Village Tree Removal Permit.
- ☐ Copy of the findings and recommendations report from either the Village staff or the Chevy Chase Village Consulting arborist.
- ☐ A completed Tree Removal Permit Application, including the selected tree contractor's name and phone number, and payment of filing fees.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature: Acacia G. MannDate: 10/30/08

For use by HPC only:

Historic Area Work Permit required?

Yes ☐No ☐

_____ (HPC Initials)

Tree Removal Plans (including reforestation plan, if any)
Remove Japanese Dogwood and plant another tree in its place (possibly another dogwood) - a multi-trunk, most likely

For Use By Village Manager	Approved with the following conditions:

For Use By Village Manager	Denied for the following reasons:
<div style="border: 2px solid black; padding: 5px; text-align: center;"> D E N I E D DEC 15 2008 Chevy Chase Village Manager </div>	HEALTHY
	<i>[Signature]</i>

Filing Fees	Checks Payable to:	Chevy Chase Village
Permit Fee: 50 ⁰⁰	<i>Cash</i>	5906 Connecticut Avenue
Damage Deposit:		Chevy Chase, MD 20815
Appeal Fee:	Date: 10/30/08	<i>[Signature]</i>
Total Fees & Deposits: 5000	Staff Signature:	

25000 paid 12/22/08 omc
Appeal Fee check #191

Tree Inspection Request

Address 9 Hesketh Street

Date 10/30/08

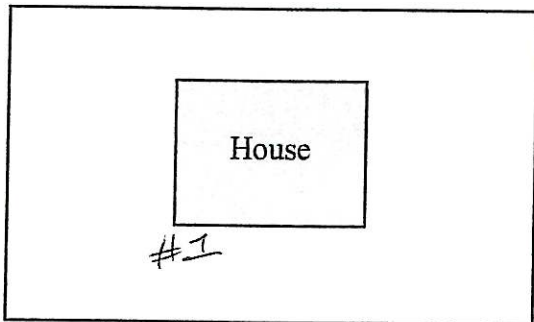
Resident's Name Allison & Chris Marvin

Phone #'s (301) 654-2027

Circle One: Private Property

Village Street/Park Tree _____

Concern(s) Dry and/or dying Japanese Dogwood; creating shade on porch & sitting underneath porch



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

#1 Dogwood (to left of front steps)

#2 _____

#3 _____

(Please list no more than three trees per page)

*****To be completed by arborist*****

Tree #1: Type and Diameter 5' aura Dogwood 11.5" DBH
Assessment: Healthy
tree was planted to close to porch and other trees toward street.

Tree #2: Type and Diameter _____
Assessment: _____

Tree #3: Type and Diameter _____
Assessment: _____

If removal requested. – Approved Denied

Tree #1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tree #2	<input type="checkbox"/>	<input type="checkbox"/>
Tree #3	<input type="checkbox"/>	<input type="checkbox"/>

Permit Required? Y N

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Signature [Signature]

Date 12-8-08

December 22, 2008

Board of Managers
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Dear Board of Managers:

We are writing to you to appeal the Village Manager's decision to deny us a tree removal permit for a tree located in our front yard. The tree at issue is a Japanese Flowering Dogwood. We would like to remove this tree as part of a landscaping project for which we have received permits from the Montgomery County Historic Preservation Commission, the Montgomery County Department of Permitting Services and Chevy Chase Village. A copy of the approved site plan is attached. Work on the project is scheduled to begin in the next few weeks.

The Japanese Dogwood is located in front of our porch to the left hand side of the porch steps (see solid circle on site plan). It is planted just a foot away from the house. In fact, it is so close to the house that about one third of it touches and hangs over our roof. This close proximity to the house has resulted in the following problems: (1) the tree has grown asymmetrically, favoring a direction away from the house, and, therefore, is not properly balanced (this asymmetry was noted by the Village arborist during his assessment of the tree); (2) mold has developed underneath our front porch in part because of the shade that is created by the tree; (3) during flowering season, the part of our porch that is under the tree is covered with seeds from the tree that stain the porch floor and cause a slip hazard immediately in front of our door.

Several landscape designers and horticulturists (including the contractor we have hired for our project) have recommended that we remove the Japanese Dogwood for the above reasons and replace it with another tree to be planted in a better location that will allow the new tree to grow properly. This location would be in the same area of the yard but simply farther away from the front porch (see dotted circle on site plan). A plant bed would fill the old tree spot. From the public right-of-way, the proposed treescape would look similar to our current treescape.

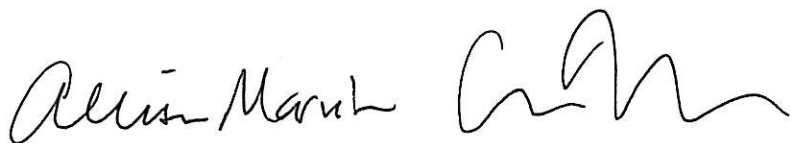
If we receive permission to remove the Japanese Dogwood, then we would reforest the property with a tree of comparable distinction and size, such as another flowering dogwood or a flowering magnolia. We would hope to plant a tree that is relatively mature - with considerable height and width - so that the front of the house does not look bare in the tree's first years.

Based on the foregoing, we respectfully request that you allow us to remove the tree and plant a new one in its place. We are available to answer any questions or address any concerns that you may have.

Thank you for your time.

Sincerely,

Allison and Chris Marvin

Handwritten signatures of Allison and Chris Marvin. The signature on the left is 'Allison Marvin' and the signature on the right is 'Chris Marvin'.

Lyerly, Doris

From: BathHome@aol.com
Sent: Monday, December 22, 2008 5:05 PM
To: Lyerly, Doris
Cc: allison.marvin@gmail.com
Subject: tree permit

Dear Board of Managers:

We live next door to Allison and Chris Marvin. We understand that they are about to undertake a front yard re-landscaping project. They've told us that they'd like to remove the Japanese Dogwood that is in front of their porch but that the Village Manager has denied them the necessary permit. They are appealing that decision to you. Apparently, their plan would be to remove the Japanese Dogwood because it is too close to the house and plant a similar tree in a nearby location farther away from the house. It sounds like their goal is to keep the yard forested and to help protect their house as well as create a better looking yard by slightly moving the tree location. We're fine with this approach and hope that you will provide them with whatever permissions they need with respect to this front yard replanting plan.

Sydney and Blake Bath
7 Hesketh Street

One site keeps you connected to all your email: AOL Mail, Gmail, and Yahoo Mail. [Try it now.](#)

Lyerly, Doris

From: Lassow, Dina [dlassow@nwlc.org]
Sent: Friday, January 02, 2009 10:26 AM
To: Lyerly, Doris
Cc: allison.marvin@gmail.com
Subject: Exemption for tree

Dear Ms. Lyerly,

I live at 16 Hesketh Street, in Chevy Chase Village, and my neighbors across the street at 9 Hesketh, Allison and Chris Martin, have advised me that they wish to take down a tree that they believe is too close to their house and plant another tree at a nearby, but better spot for them. I have no objection to their doing this.

Thank you considering my views.

Dina Lassow

Landtech Associates Inc.

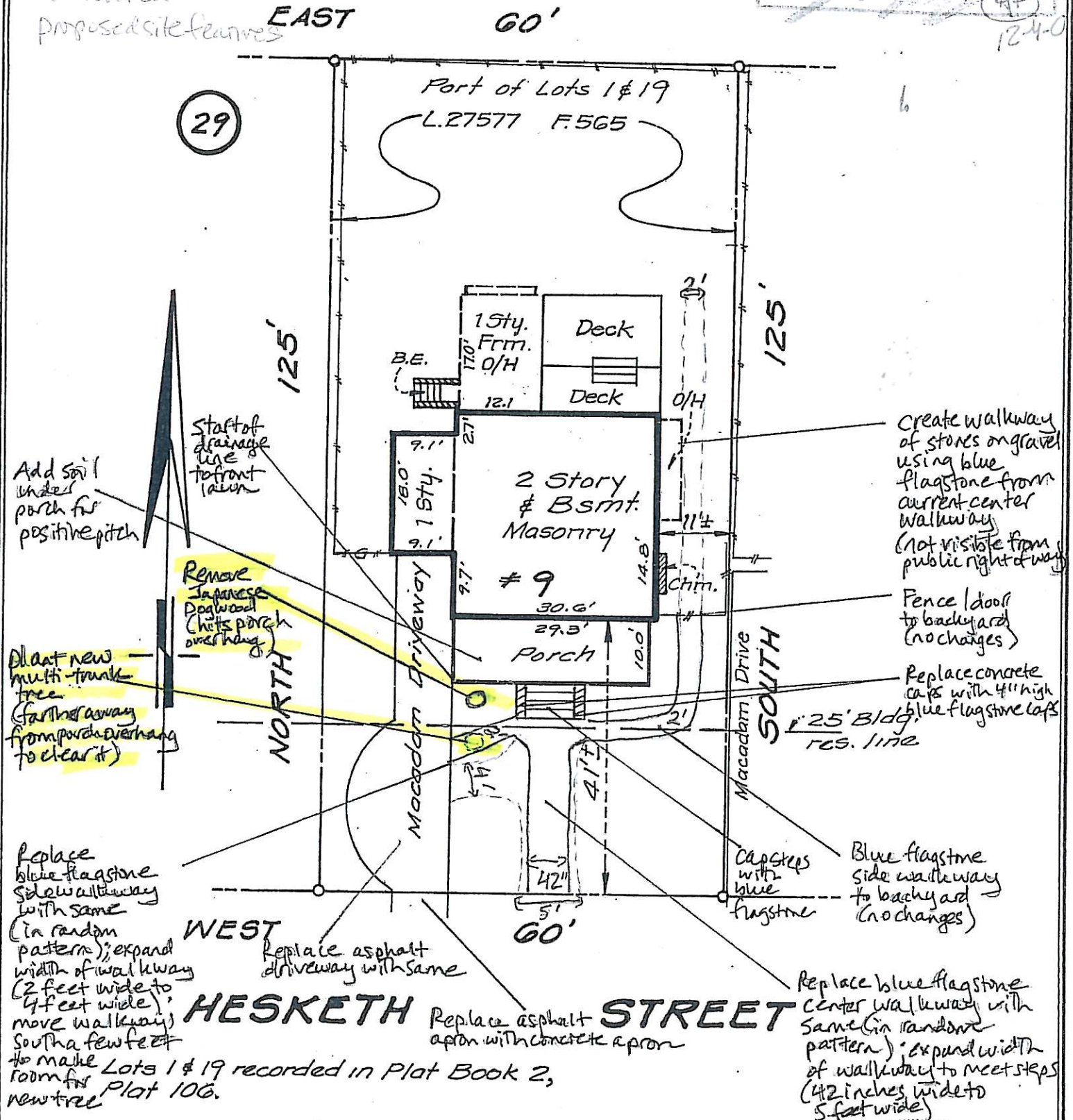
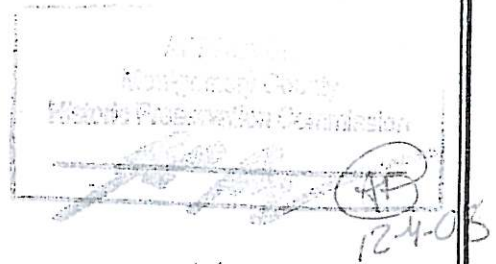
10260 Old Columbia Road Rivers Center-Suite J
Columbia, MD 21046

Phone: 410-290-8099 Fax: 410-290-8299

NOTE: NOT TO BE USED FOR ISSUANCE OF PERMITS

Solid blue =
Current site features

dotted red =
proposed site features



Lots 1 & 19 recorded in Plat Book 2, Plat 106.